

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
) Criminal No. 04-10336-NMG
 JULIO SANTIAGO et al.)
 Defendants)

**GOVERNMENT'S MOTION TO RESCHEDULE THE FINAL STATUS CONFERENCE AND
SET A CONSOLIDATED DATE FOR FILING
ITS RESPONSE TO DEFENDANTS' MOTIONS TO SUPPRESS**

The United States Attorney, by and through the undersigned attorneys, now moves to reschedule the final status conference, originally scheduled for April 28, 2005, and to allow the government to file a consolidated opposition to the motions to suppress that have been filed and that will be filed by the defendants in the captioned matter. In support of this motion, the government states as follows:

1. This case involves twelve defendants (one of whom remains a fugitive) and the charges arise from, among other things, the undercover purchases of heroin, the interception of wire and electronic communications over five telephones and a pager and the execution of search warrants at numerous locations.

2. On January 5, 2005, this Court held an initial status conference for all defendants (except Defendant Juan Nunez whose initial status conference was held on December 29, 2004). At that time, the Court, among other things, set April 13, 2005 as the deadline for the defendants to file suppression motions and other

non-discovery motions and scheduled a final status conference for April 28, 2005.

3. On or about April 13, 2005, Defendants Julio Santiago and Edwin Torres filed motions to suppress certain evidence seized in this matter.

4. At or about the same time, counsel for Defendants Pedro Alberto Miranda, Luis Sanchez and Enrique Agosto each filed motions to extend the time in which they could file motions to suppress. These defendants have sought leave to file such motions until May 13, 2005. The government has assented to these motions. (Counsel for the government notes that counsel for Defendant Reynaldo Rivera had also sought its assent for a similar motion. The government, however, is not aware that any such motion has been filed yet).

5. Undersigned counsel for the government (and the only Assistant U.S. Attorney currently assigned to this case) began a trial before Judge Keeton (United States v. Luis de la Cruz, 01-10118-REK) on Monday, April 25, 2005. Although the government had initially anticipated the trial might run for a little over two weeks, the government anticipates that this trial will continue for three weeks since the presentation of the evidence will not begin until tomorrow, April 28, 2005.

6. Undersigned counsel would like the opportunity to file a consolidated response to the two pending motions to suppress and the motions that may be filed by the aforementioned defendants next month.

7. After the return of the Superseding Indictment in this matter on April 13, 2005 and the numerous requests that undersigned counsel received to assent to motions to extend the deadline for filing motions to suppress, undersigned counsel sent a letter (on April 14, 2005) to all counsel of record in this case suggesting that, at the time of the defendants' arraignment on the Superseding Indictment (now scheduled for Friday, April 29, 2005), the parties jointly seek a new final status conference date, a consolidated deadline for the filing of the government's response to the pending motions and the motions to be filed and an exclusion of time for Speedy Trial Act purposes for the period until the last of the defendants' suppression motions is due to be filed. Although undersigned counsel has not yet received responses from all counsel of record, undersigned counsel's best memory is that counsel for Santiago, Torres, Nunez, Luis Sanchez, Miranda and Torrado have noted their assent to this proposal.

WHEREFORE, the government respectfully requests that the Court:

1) Set a deadline for the government's consolidated opposition to the defendants' motions to suppress for approximately three weeks after the last of the defendant's motions are due to be filed. If the Court sets May 13, 2005 as the deadline for the defendants' motions, the government requests that its' deadline for responding be no early than June 6, 2005. If the Court sets the deadline for the defendants for some date after May 13, 2005, the

government requests that its deadline be at least three weeks after that date;

2) Reschedule the final status conference for a date after the government's opposition to the defendants' motions is due; and

3) Exclude the period between April 13, 2005 and the new deadline set by the Court for the filing of the defendants' motions because the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. §3161(h)(8)(A).

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

BY:

/s Denise Jefferson Casper
DENISE JEFFERSON CASPER
Assistant U.S. Attorney

Dated: April 27, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon counsel of record a copy of the foregoing document by electronic filing and by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery.

This 27th day of April 27, 2005.

/s Denise Jefferson Casper
DENISE JEFFERSON CASPER

ASSISTANT UNITED STATES ATTORNEY